

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

AMA MULTIMEDIA, LLC, a Nevada limited liability company

Plaintiff,

VS.

SPANKBANG.COM; NIVUN PTE LTD, a foreign corporation, individually and d/b/a SPANKBANG.COM; and John Does 1-20,

Defendants.

Case No.: 2:16-cv-00435-RAJ

**DECLARATION OF SPENCER
FREEMAN IN SUPPORT OF
PLAINTIFF'S *EX PARTE* MOTION
FOR EXTENSION OF TIME FOR
SERVICE OF PROCESS PURSUANT
TO FED.R.CIV.P. 4(m)**

**NOTE ON MOTION CALENDAR:
July 25, 2016**

I, Spencer Freeman, under penalty of perjury, declare and state as follows:

1. I am an attorney at law licensed to practice before the Courts of the State of Washington, the United States District Court Western District of Washington, Eastern District of Washington, Ninth Circuit Court of Appeals, and United States Supreme Court. I am the principle attorney with the Freeman Law Firm, Inc., attorneys for Plaintiff AMA Multimedia, LLC. Unless otherwise stated, I have personal knowledge of the facts contained herein this declaration and, if called and sworn as a witness, could and would competently testify thereto.

DECL. OF SPENCER FREEMAN ISO PLAINTIFF'S
EX PARTE MOTION FOR EXTENSION OF TIME FOR
SERVICE OF PROCESS - 1

FREEMAN LAW FIRM, INC.
1107 ½ Tacoma Avenue South
Tacoma, WA 98042
(253) 383-4500 - (253) 383-4501 (fax)

1 2. On March 25, 2016, on behalf of AMA Multimedia, LLC, I filed this instant
2 action regarding copyright and trademark infringement occurring on the web sites
3 Spankbang.com.

4 3. Prior to the lawsuit, I attempted to contact vendors associated with the web sites
5 to determine the owners or operators of the web sites. After the lawsuit was filed, I again
6 attempted to contact the vendors I could determine were associated with the web sites to seek
7 the identity of the owners or operators of the sites. All of my attempted contacts, through
8 electronic mail to the vendors' web sites, was ignored by the vendors.

9 4. On April 14, 2016, I filed a motion for leave to conduct early discovery in order
10 to discover the actual identity of the owners and/or operators of Spankbang.com and Nivun Pte
11 Ltd., the latter which is listed as the owner of Spankbang.com.

12 5. On May 23, 2016, the Court entered an Order Granting Plaintiff's Motion for
13 Early Discovery.

14 6. By June 2, 2016, I issued subpoenas to be served on Cloudflare, Inc.; Enom,
15 Inc.; Rightside Operating Co.; Namecheap.com; Incorporate Now, Inc.; and Traffic Haus.
16 Cloudflare, Inc. hosts the website at issue. Namecheap.com and Enom, Inc. are domain
17 registrars associated with Spankbang.com. Enom, Inc. is a division of Rightside Operating Co.
18 Incorporate Now, Inc. provides DMCA Agent services for Spankbang.com. Traffic Haus
19 provides advertising for Spankbang.com.

20 7. Between June 29, 2016 and July 15, 2016, I received responses from Cloudflare,
21 Enom, Inc., Namecheap.com, Rightside Operating Co., and Incorporate Now, Inc. The
22 documents disclosed pursuant to these subpoenas reference what appears to be a nickname
23 currently associated with the accounts, and not the actual name of a person.

24 8. To date, there has been no response from Traffic Haus. A follow up letter has
25 been delivered to Traffic Haus and a motion to compel is currently being researched.
26

9. The subpoena responses received led to the issuance of three more subpoenas: Cross Campus, Charter Communications, and IPVanish. Through the previous subpoenas, it was determined that each of these entities provided IP addresses from which Spankbang.com was accessed for administrative tasks.

10. Cross Campus's response is due August 1, 2016.

11. Charter Communications has been in touch with Plaintiff's counsel and indicated that the responses will be forthcoming August 8, 2016 absent action from the account holder.

12. IPVanish's response date is August 22, 2016.

13. AMA needs the subpoena responses from Traffic Haus, Cross Campus, Charter Communications, and IPVanish in order to determine the identity of the operators of Spankbang.com and Nivun Pte Ltd.

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Executed this 26th day of July, 2016 at Tacoma, Washington.

/s/ Spencer D. Freeman

Spencer Freeman